

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-CR-80083-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES FOLZ,

Defendant.

OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT

In paragraphs 6 through 14, probation outlines the offense conduct as it relates to Mr. Folz's encounter with C.T. and R.L. As he did when he pled guilty in this case, Mr. Folz admits that, on May 27, 2024, he encountered C.T. and R.L. while he was fishing and during that encounter, he yelled obscenities and threw lead fishing weights at them. He denies, however, that he intentionally cut their fishing lines, operated his vessel in an unsafe or erratic manner, and that he attempted to ram his vessel into theirs.

Mr. Folz also objects to the allegations outlined in paragraphs 15-19 of the PSR – which describe additional, *unrelated and uncharged* encounters between Mr. Folz and other individuals – because those allegations are both incomplete and inaccurate versions of what actually happened.

Resolution of these objections will not impact the guidelines calculation in this case because the Sentencing Guidelines do not apply to class B misdemeanors.

Respectfully submitted,

HECTOR DOPICO
FEDERAL PUBLIC DEFENDER

s/Scott Berry

Scott Berry, B.C.S.
Assistant Federal Public Defender
Attorney for Defendant
Bar Number: 0525561
250 South Australian Avenue
Suite 400
West Palm Beach, Florida 33401
Phone: (561) 833-6288
Email: scott_berry@fd.org

CERTIFICATE OF SERVICE

I HEREBY certify that on January 22, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: s/Scott Berry
Scott Berry